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Working paper suggesting some provisions of a treaty banning underground nuclear weapon tests

The relationship between an underground test ban and peaceful nuclear explosions has been recognized and often emphasized. In this context two considerations have to be borne in mind: first an underground test ban should not deprive the signatories of the benefits which may be derived from peaceful nuclear explosions. Second, and more important, an exception for peaceful nuclear explosions must not serve as a loophole permitting either the proliferation of nuclear weapons or as a means of conducting explosions for military purposes. This need arises from the fact that there is no difference between nuclear weapons and the so-called peaceful nuclear explosive devices. Hence a clause permitting peaceful nuclear explosions should be so worded that it cannot be misconstrued to mean that it permits the conducting of peaceful nuclear explosions by non-nuclear-weapon States themselves. Accordingly, it is proposed that an underground test ban treaty should include, as in the Nuclear Non-Proliferation Treaty, two kinds of provisions: one for the nuclear-weapon States, the other for the non-nuclear-weapon States.

2. As regards the nuclear-weapon States, the treaty should prohibit all underground nuclear weapon test explosions. They may, however, be permitted to conduct explosions which are carried out for construction or peaceful purposes only and which take place in conformity with an international agreement to be negotiated separately, either as an independent agreement or as a protocol to a comprehensive test ban.

3. As regards non-nuclear-weapon States, the treaty should include a separate provision which would prohibit all underground explosions whether they are in the category of "weapon tests" or not. In other words, non-nuclear-weapon States must not conduct any kind of nuclear explosions whatsoever including peaceful nuclear explosions. Non-nuclear-weapon States may obtain the benefit of peaceful explosions conducted for them or on their behalf in accordance with the provisions of the international agreement referred to in paragraph 2 hereof.

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4. Lastly, as it has been suggested that separate provisions should be included for nuclear-weapon and non-nuclear-weapon States, the category of such States has to be defined. It is, therefore, proposed that the following provision as the second sentence of paragraph 3 of Article IX of the Nuclear-Non-Proliferation Treaty, should be included in the proposed treaty:

"For the purpose of this Treaty, a nuclear-weapon State is one which has manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1st January 1967".

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